

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

#8

**Patent Application**

Inventor(s): **Ioannis Kriaras  
Sudeep Kumar Palat  
Hatef Yamini  
Jin Yang**

Case: **4-13-11-9**

Serial No.: **09/855146**

Group Art Unit:

Filing Date: **May 14, 2001**

Examiner: **Frances Hicks**

Title: **Real Time Data Transmission Systems And Methods**

**ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D. C. 20231**

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**FEB 13 2002**

**OFFICE OF PETITIONS**

**SIR:**

**Request for Reconsideration of Petition Under 37 CFR 1.47(a)**

Enclosed are the Assignment and Agreement with Recordation Cover Sheet and the Declaration and Power of Attorney which have been signed by Inventor Ioannis Kriaras relating to the above-identified application. His signature was missing from the previously filed documents and we have been able to obtain it.

A copy of the Response to the Petition Under 37 CFR 1.47(a) from the U.S.P.T.O. is also enclosed.

In the event of nonpayment or improper payment of a required fee, the Commissioner is authorized to charge or credit **Lucent Technologies Deposit Account No. 12-2325** as required to correct the error.

Respectfully,

  
 Jimmy Goo  
 Attorney for applicants  
 Reg. No. 36,528  
 (973) 386-6377

Date: 02/06/02

Atts. Assignment and Agreement w/Recordation Cover Sheet

Declaration and Power of Attorney

Copy of the Response to the Petition Under 37 CFR 1.47(a)



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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DOCKET ADMINISTRATOR (ROOM 3J-219)  
LUCENT TECHNOLOGIES INC.  
101 CRAWFORDS CORNER ROAD  
P.O. BOX 3030  
HOLMDEL, NJ 07733-3030

DEC 21 2001

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In re Application of  
Ioannis Kriaras et al.  
Application No. 09/855,146  
Filed: May 14, 2001  
Attorney Docket No. 4-13-11-9

file : 2/10/02

ON PETITION

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This is in response to the petition under 37 CFR 1.47(a), filed September 26, 2001.

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The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) set forth above.

As to item (1), petitioner has not provided sufficient evidence that a copy of the application papers was sent or given to the non-signing inventor. Petitioner must show proof that a copy of the application (specification, claims and drawings) was sent or given to the non-signing inventor for review. Rule 47 applicant has failed to show or provide proof that the nonsigning inventor has refused to sign the declaration, after having been presented with a copy of the application papers. Did inventor Ioannis Kriaras receive the application papers? See Manual of Patent

Examining Procedure, Section 409.03(d). While the petition indicates that the declaration and assignment forms were mailed to inventor Kriaras, no evidence has been presented to show that a copy of the complete application papers was in fact presented to Mr. Kriaras. Before a refusal can be alleged, it must be demonstrated that a copy of the application papers was presented to the nonsigning inventor. If joint inventor Kriaras was not presented with a copy of the application papers, then Mr. Kriaras could not attest that he has "reviewed and understands the application papers" and could not execute that declaration he was requested to sign. Therefore, unless petitioner can show that a copy of the application papers was presented to inventor Kriaras, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to inventor Kriaras' last known address, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc. See MPEP 409.03(d).

The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. If the inventor orally refuses to join in the application, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. If, on the other hand, petitioner receives an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 petitioner that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

**In order to expedite consideration of the petition under 37 CFR 1.47(a), petitioner may wish to submit the renewed petition by facsimile transmission to the telephone number indicated below and to the attention of Irvin Dingle.**

Further correspondence with respect to this matter should be addressed as follows:

By mail:                    U. S. Patent and Trademark Office  
                                  Box DAC  
                                  P.O. Box 2327  
                                  Arlington, VA 22202

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA 22202

Telephone inquiries related to this decision should be directed to Irvin Dingle at (703) 306-5684.

*Frances Hicks*  
Frances Hicks

Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

FEB 08 2002

RECORDATION FORM COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

1. Ioannis Kriaras
2. Sudeep Kumar Palat
3. Hafez Yamini
4. Jin Yang

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date(s): 1/16/02; 3/16/01; 3/16/01; 5/25/01

## 2. Name and address of receiving party(ies)

Name: Lucent Technologies Inc.

Internal Address: \_\_\_\_\_

**COPY**Street Address: 600 Mountain AvenueP.O. Box 636City: Murray Hill State: NJ ZIP: 07974-0636Additional name(s) & address(es) attached?  Yes  No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s) 09/855,146

B. Patent No.(s)

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Docket AdministratorInternal Address: Room 3J-219Street Address: 101 Crawfords Corner RoadCity: Holmdel State: NJ ZIP: 07733-30306. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41) \$40.00 Enclosed Authorized to be charged to deposit account8. Deposit account number: 12-2325

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jimmy Goo

Name of Person Signing

Signature

02/06/02

Date

Total number of pages including cover sheet, attachments, and document: 6

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignment  
Washington, D.C. 20231Case Name/No.: Kriaras 4-13-11-9I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231, on 3/6/02.

Signature

## ASSIGNMENT AND AGREEMENT

**COPY**

For value received, we, Ioannis Kriaras, of Bradenstoke in the County of Wiltshire and the Country of Great Britain, and Sudeep Kumar Palat, of Grange Park in the County of Wiltshire and the Country of Great Britain, and Hatef Yamini, of Swindon in the County of Wiltshire and the Country of Great Britain, and Jin Yang, of Swindon in the County of Wiltshire and the Country of Great Britain, hereby sell, assign and transfer to Lucent Technologies Inc., a corporation of the State of Delaware, having an office at 600 Mountain Avenue, Murray Hill, New Jersey, 07974-0636, U.S.A. and its successors, assigns and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to **Real time data transmission systems and methods** described in an application for Letters Patent of the United States, executed by us of even date herewith, and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and we also concurrently hereby sell, assign and transfer to Lucent Technologies Inc. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

We authorize Lucent Technologies Inc. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from us, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of Lucent Technologies Inc. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

We request that any and all patents for said inventions be issued to Lucent Technologies Inc. in the United States and in all countries foreign to the United States, or to such nominees as Lucent Technologies Inc. may designate.

We agree that, when requested, we shall, without charge to Lucent Technologies Inc. but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

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Ioannis Kriaras

Date: 16.1.2

On this 16<sup>th</sup> day of January, 2002, before me personally came, Ioannis Kriaras to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

  
Commissioner for Oaths



Sudeep Kumar Palat

Date: 16/03/01

On this 16th day of March, 2001, before  
me personally came, Sudeep Kumar Palat to me known to be the individual  
described in and who executed the foregoing instrument, and acknowledged  
execution of the same.



Commissioner for Oaths

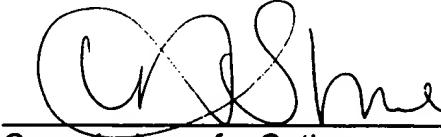
LESLEY A. STONE  
LEGAL EXECUTIVE  
Bower & Stone  
Cambridge House  
College Court  
Regent Circus  
Swindon SN1 1PZ



Hatef Yamini

Date: 16/03/01

On this 16th day of March, 2001, before  
me personally came, Hatef Yamini to me known to be the individual described in  
and who executed the foregoing instrument, and acknowledged execution of the  
same.



Commissioner for Oaths

LESLEY A. STONE  
LEGAL EXECUTIVE  
Bower & Bailey  
Cambridge House  
College Court  
Regent Circus  
Swindon SN1 1PZ



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Jin Yang

Date: 25/5/01

On this 25<sup>th</sup> day of May, 2001, before  
me personally came, Jin Yang to me known to be the individual described in and  
who executed the foregoing instrument, and acknowledged execution of the  
same.



---

Commissioner for Oaths

**Robert D Millbourn  
Solicitor  
Bower & Bailey  
Cambridge House  
4 College Court  
Regent Circus  
Swindon SN1 1PJ**

Lucent Technologies Inc.  
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